REMARKS

Claims 2, 5 and 12-19 are pending in the present application and remain unamended. Applicant notes that pending claims 17-19, which were introduced in an amendment filed February 28, 2003, have not been addressed by the Examiner to date.

In the final Office Action mailed December 31, 2003, the Examiner rejected claims 2, 5 and 12-16 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses this rejection.

In the rejection, the Examiner alleges that the specification and drawings do not describe that "the selection signals is determined in accordance with the scrambled subset of bits." The Examiner further alleges that the specification only teaches on page 17, lines 11-23 that, in accordance with the subset of information bits, control processor 522 provides a code channel selection signal to Walsh symbol generator 508 and provides a frequency selection signal to variable frequency synthesizer 526. The Examiner further contends that the subset of information bits is used for the selection instead of the scrambled subset of bits. Applicant respectfully traverses this rejection.

Applicant respectfully submits that full support for the claimed subject matter identified by the Examiner is found on page 12, lines 15-24 of the specification as originally filed, which states:

> The subset of information bits used to select the upconversion frequency is provided to control processor 266. In accordance with the subset of information bits, control processor 266 generates a command signal to switch 264. In order to provide randomization of the transmitted frequency, a preferred embodiment would **scramble the subset of information bits provided to control processor 266**. Such scrambling provides makes the transmitted frequency random. In a preferred embodiment, a subset of the bits from PN generator 262 is used to scramble the bits supplied to control processor 266 (emphasis added).

In the final Office Action, the Examiner alleges that the specification does not support the claim for the scrambled subset of information bits to determine the selection signal. Rather, the

Examiner contends the scrambled subset of information bits is only provided to the bank of mixers 268a, 268b ... 268n. Applicant respectfully submits, however, that the scrambled subset of information bits is provided to the control processor 266 to determine the selection signal (as evidenced by above-referenced portion of the specification indicated in boldface). Accordingly, Applicant respectfully submits that the specification as originally filed provides full support for the claimed limitation "the selection signal is determined in accordance with the scrambled subset of bits." Therefore, Applicant respectfully submits the §112, first paragraph rejection set forth by the Examiner is deemed improper and should be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: April 30, 2004

By: _____
George J. Oehling, Reg. No. 40,471
(858) 658-1761

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502